

**REMARKS/ARGUMENTS**

Applicant is appreciative of the Examiner's efforts for trying to conduct a thorough and concise Examination. Claims 29-30 and 33 stand rejected as being anticipated by US patent No. 5,149,025 (Utterback). Applicant appreciates recognition by the Examiner of allowable subject matter in claims 23-27 and 35-37. The remaining claims stand rejected as being unpatentable over Utterback in view of various combinations of references. Reconsideration of the rejections and objections is respectfully solicited in view of the foregoing amendments and the following remarks.

Claims 1, 15-22, 29, and 38 have been cancelled. Claims 23-27 and 35-37 have been amended as suggested in the Office Action and therefore these claims plus any dependent claims are now in form ready for allowance.

Claim 7 is directed to an apparatus for calibrating a railway infrared hot box detector by delivering a desired radiant energy delta to the hot box detector. Claim 7 in part recites a shutter device positioned between a source of radiant energy and a hot box detector. The shutter device is selectively operable between a first mode operation in which the shutter device permits radiant energy to be transmitted from the source to the hot box detector along the path, and a second mode of operation in which the shutter blocks the transmission of radiant energy from the source to the detector. Claim 7, as amended, recites that the processor is further configured to control at least one of the following: the frequency of cycling of shutter operation between the first and second modes to achieve the desired radiant energy delta, and the relative durations of the first and second modes of shutter operation to achieve the desired radiant energy delta.


The Office Action recognizes that Utterback fails to disclose a shutter device as recited in claim 7. The Office Action then states that US Publication No. 2002/0033989 A1 (Fisher) remedies the deficiencies of Utterback. It is respectfully submitted, however, that neither Fisher nor Utterback, singly or in combination, teach the structural and/or operational relationships recited in amended claim 7 regarding the specific shutter control provided by the processor for achieving the desired radiant energy delta.

Accordingly, it is respectfully requested that these grounds of rejection in connection with claim 7 and any dependent claims therefrom be withdrawn.

It is respectfully submitted that each of the claims pending in this application recites patentable subject matter and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

DATED this 31st day of August 2005.

Respectfully submitted,



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